

ATTORNEY'S DOCKET NO. C1037/7013 (MAT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bratzler et al.  
Serial No: 09/776,479  
Filed: February 2, 2001  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR THE TREATMENT OF ASTHMA  
AND ALLERGY  
Examiner: Unassigned  
Art Unit: 1645

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 3rd day of January, 2002.

Maria A. Trevisan

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- ☒ Information Disclosure Statement
- ☒ Form PTO1449 with Cited References
- ☒ Certificate of Mailing
- ☒ Return Receipt Postcard

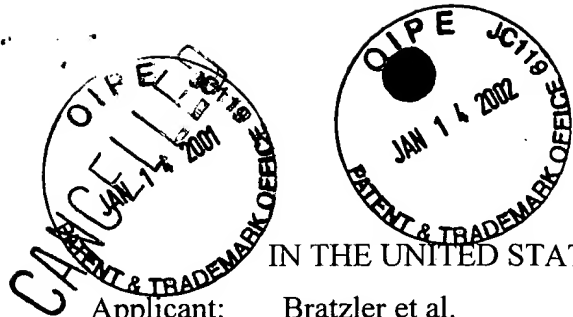
If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If a fee is required, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

Maria A. Trevisan  
Reg. No. 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617) 720-3500

Docket No. C1037/7013(MAT)  
Date: January 3rd, 2002  
X06/02/01



ATTORNEY'S DOCKET NO: C1037/701 (MAT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bratzler et al.  
Serial No: 09/776,479  
Filed: February 2, 2001  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR THE TREATMENT  
OF ASTHMA AND ALLERGY  
Examiner: Unassigned  
Art Unit: 1645

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

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Maria A. Trevisan

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Commissioner for Patents  
Washington, D.C. 20231

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Docket No.</u>	<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
C1037/7017	✓09/800,266 - 16C1 <i>cancer</i>	03/05/01	Bratzler et al.
C1037/7018	✓09/801,839 - 16C1 <i>microorganisms</i>	03/08/01	Bratzler et al.
C1037/7019	✓09/920,313 - 16L6 <i>gastric ulcer</i>	08/01/01	Bratzler et al.
C1039/7009	✓09/082,649 - 6339068	05/20/98	Davis et al.
C1039/7017	✓09/191,170 - 6429199	11/13/98	Krieg et al.
C1039/7020	✓09/337,584 - 16X1 <i>Martiniell</i>	06/21/99	Krieg et al.
C1039/7021	✓09/337,619 - 16X1 <i>Martiniell</i>	06/21/99	Krieg et al.
C1039/7022	✓09/337,893 - 16X1 <i>Martiniell</i>	06/21/99	Krieg
C1039/7023	✓09/337,636 - 16C1	06/21/99	Krieg
C1039/7025	✓09/325,193 - 6406705	06/03/99	Davis et al.
C1039/7027	✓09/306,281 - ABN	05/06/99	Gramzinski et al.
C1039/7028	✓09/361,575 - 16C1	07/27/99	Krieg
C1039/7029	✓09/415,142 - 16C1	10/09/99	Krieg et al.
C1039/7035	✓09/669,187 - 16X1 <i>Martiniell</i>	09/25/00	Krieg et al.
C1039/7036	✓09/559,140 - 16X1 <i>Kam</i>	04/27/00	Noll et al.
C1039/7041	✓09/655,319 - 16C1	09/05/00	Krieg et al.
C1039/7042	✓09/630,319 - 16C1 <i>autoimmune</i>	07/31/00	Krieg et al.
C1039/7043	✓09/629,477 - 16C1 <i>autoimmune</i>	07/31/00	Krieg et al.
C1039/7044	✓09/672,126 - 16C1 <i>IFN-8</i>	09/27/00	Hartmann et al.
*C1039/7048	✓09/818,918 - 16C1 <i>atopic condition (allergy)</i>	03/27/01	Krieg et al.
C1039/7049	✓09/824,468 - 16X1 <i>stimulate IFN + cytokines</i>	04/02/01	Krieg et al.
C1039/7052	✓09/888,326 - 16C1 <i>Cancer</i>	06/22/01	Weiner et al.
C1040/7004	✓09/146,072 - 16C1 <i>hepatitis</i>	09/02/98	Davis et al.
*C1040/7006	✓09/316,199 - 16C1 <i>mucosal immunity</i>	05/21/99	McCluskie et al.
*C1040/7010	✓09/768,012 - 7410 <i>Th2</i>	01/22/01	Davis et al.
C1041/7002	✓09/241,653 - 16C1 <i>hematopoiesis</i>	02/02/99	Wagner et al.
C1041/7005	✓09/355,254	02/22/00	Wagner et al.
C1041/7010	✓09/786,436 - 16C1	03/02/01	Wagner et al.
C1041/7014	✓09/895,007 - 16C1 <i>Anemia</i>	06/28/01	Schetter et al.

The following are remarks concerning the other information cited:

### PART III: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Bratzler et al., Applicant(s)*

By: 

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Docket No. C1037/7013  
Dated: January 30, 2002  
**X06/02/01**  
577668.1